
STATUTORY INSTRUMENTS

1995 No. 365

**The National Health Service Superannuation
Scheme (Scotland) Regulations 1995**

PART T

GENERAL RULES ABOUT BENEFITS

Reduction in benefits to take account of benefits under the National Insurance Acts

T8.—(1) This regulation applies to members—

- (a) who had ceased to be in pensionable employment before the coming into force of these Regulations unless after that date they return to pensionable employment; or
- (b) who became entitled to receive a pension under the 1980 Regulations and who, before the coming into force of these Regulations, returned to pensionable employment, in which case the pension under the 1980 Regulations will be subject to this regulation unless their benefits fall to be calculated by reference to combined pensionable service before and after the coming into force of these Regulations.

(2) Where this regulation applies, pensions payable under the scheme to women who have reached age 60 and men who have reached age 65 will be reduced in accordance with paragraph (3) to take account of benefits payable under the National Insurance Act 1946(1) and the National Insurance Act 1965(2).

(3) The reduction referred to in paragraph (2) will be £1.70 for each year of pensionable service after 4th July 1948 and before 1st April 1980, or such lesser reduction as would have applied under regulation 56 of the previous Regulations.

(4) Benefits for members who paid contributions under section 1(1)(b) of the National Insurance Act 1959(3), section 4 of the National Insurance Act 1965(4) or the corresponding provisions of the National Insurance Act (Northern Ireland) 1959(5) or the National Insurance (Isle of Man) Act 1961 (an Act of Tynwald) will be reduced to take account of benefits payable under those Acts (provided that no such reduction shall be of a greater amount than that which would have applied under Schedule 10 of the 1980 Regulations).

(5) Any amount by which a member's pension is reduced under this regulation will be ignored for the purposes of calculating—

- (a) the member's retirement lump sum, and

(1) 1946 c. 67; this Act was repealed by the Social Security Act 1973 (c. 38), Schedule 28 but a savings provision is necessary to cover benefits already paid under the 1946 Act.

(2) 1965 c. 51.

(3) 1959 c. 47; this Act was repealed by S.L.R. 1965 but a savings provision is necessary to cover benefits already paid under the 1946 Act.

(4) 1965 c. 51; section 4 was amended by the National Insurance Act 1966 (c. 6), section 1, by the National Insurance Act 1969 (c. 44), section 1, and by the National Insurance Act 1971 (c. 50), section 1.

(5) 1959 c. 21 (N.I.).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) the lump sum, any widow or widower's pension and any child allowance, payable on the member's death in pensionable employment or, subject to paragraph (6), after becoming entitled to receive a pension.

(6) For the purpose of calculating any higher rate spouse's pension or child allowance that becomes payable on a member's death after becoming entitled to receive a pension, if the member dies after reaching age 60 (if a woman) or 65 (if a man), the references to the member's pension in regulations G3(2) and H4(2)(b) and (7) (member dies after pension becomes payable) are to the member's pension as reduced by virtue of this regulation.